



DOCKET NO.: 219783US3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : GROUP ART UNIT: 2651
Masamichi TANAKA

SERIAL NO.: 10/078,371

FILED: 02/21/02

FOR: OPTICAL PICKUP AND HIGH-FREQUENCY...

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL
APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

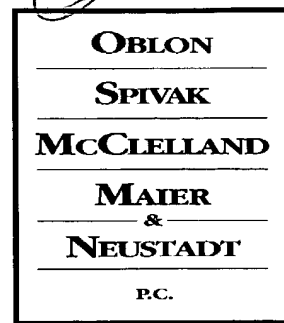
Applicant respectfully request consideration of the Substitute Formal Drawings submitted on April 9, 2002.

On April 9, 2002, Applicant submitted Substitute Formal Drawings for Figures 6A and 6B. As evidence thereof, Applicant submit herewith copies of the date-stamped filing receipt, dated April 9, 2002, Letter to Official Draftsman, and PTO Cover Letter. On May 2, 2002, the Office issued an Official Action requiring a Response to Notice of Omitted Items in a Nonprovisional Application. A copy of the Official Action is enclosed herewith. Applicant respectfully submit that Substitute Formal Drawings for Figures 6A and 6B were provided to the Office, as show by the date-stamped filing receipt, Letter to Official Draftsman and PTO Cover Letter.



Docket No.: 219783US2

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

MARVIN J. SPIVAK
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RE: Application Serial No.: 10/078,371
Applicants: Masamichi TANAKA
Filing Date: 02/21/02
For: OPTICAL PICKUP AND HIGH-FREQUENCY...
Group Art Unit: 2651

SIR:

Attached hereto for filing are the following papers:

**NOTICE TO FILE CORRECTED APPLICATION PAPERS
LETTER TO THE OFFICIAL DRAFTSMAN
SUBSTITUTE FORMAL DRAWINGS (6 SHEETS)**

Our check in the amount of \$-0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Accordingly, Applicant respectfully request that the Office withdraw the Notice of Omitted Items of Nonprovisional Application dated May 2, 2002. For the convenience of the Office, Applicant provides herewith a copy of Substitute Formal Drawing Figures 6A and 6B.

Early notification that the Office has withdrawn the Notice dated May 22, 2002, is respectfully requested. No fees are required. However, in the event that a fee is required, please charge the appropriate amount to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted

OBLON, SPIVAK, McCLELLAND,
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/078,371	02/21/2002	Masamichi Tanaka	219783US2

CONFIRMATION NO. 5017

FORMALITIES LETTER



OC000000008014846

22850
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Date Mailed: 05/02/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **6A & 6B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Hamano

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY